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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,104	01/23/2002	Kenneth H. Rosen	1209-2	9643

7590 06/19/2007
Salvatore J. Abbruzzese
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2617

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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,104

Applicant(s)

ROSEN ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-46 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-14-07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12 and 44-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. US 6,185,426 and further in view of Chang et al. US 5,771,283.

As per **claim 1**, Alperovich teaches a method of transferring selective location information of a wireless calling party to a called party, comprising:

receiving a telephone call at a telecommunications network from the wireless calling party comprising at least call information and location information (Alperovich teaches a mobile/cellular system which inherently determines/stores location information for each caller, eg. in an HLR and/or via BTS-ID, and call information is determined via the user's phone number which is used during registration and during calling operations);

retrieving service information associated with the wireless calling party;

wherein the service information includes instructions regarding the selective transfer of the location information; and

transmitting the selective location information of said wireless calling party to the called party (Abstract teaches sending the calling party's location to the called party and figures 1 thru 3 show the network which retrieves information and decides to send the location information);

but is silent on selectively transferring location information, establishing predetermined parameter's for the transfer of location information associated with said wireless calling party and said predetermined parameters for the transfer of location information associated with said wireless calling party and transmitting said call information and said location information in accordance with said predetermined parameters for the transfer of location information.

Chang teaches a called party's location and caller-ID being sent to a called party. Furthermore, Change teaches/requires that at least one predetermined "parameter" is checked before the location/identity information is transmitted, eg. the called party must subscribe to "caller ID service", see Abstract:

A method for delivering enhanced caller identification (ID) service including geographic location information comprises initializing an originating switch with geographic identification data (GID). The GID is stored in each switch module memory, and is accessed by the originating switch each time a calling party initiates a call to a called party. **If the called party subscribes to caller ID service, the calling's party directory number, and the GID associated with the switch is delivered to the called party as part of caller ID service so that the true geographic location of the caller can be ascertained.**

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the system selectively transferrs location information, establishes predetermined parameters for the transfer of location information associated

with said wireless calling party and said predetermined parameters for the transfer of location information associated with said wireless calling party and transmitting said call information and said location information in accordance with said predetermined parameters for the transfer of location information, to provide means for the location/identity information to be selectively transmitted depending upon at least one predetermined parameter..

As per **claim 12**, Alperovich teaches claim 1, wherein said location information is received with the telephone call from the wireless calling party (Alperovich teaches the calling party's location being sent to the called party, Abstract).

As per **claims 44-46**, Alperovich teaches claim 1, wherein the called party is a wireless/wired phone (Alperovich can support calls to wired, wireless or VoIP PC's, PDA's, etc. – eg. any device that can connect to the switches shown).

Claims 2-4, 8, 11, 13-19, 22, 25-34, 36 and 38-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich/Chang and further in view of ~~Johansson et al. US 6,442,391 and Walsh US 6,662,014 and (Zellner et al. #1 US 6,675,017 or Zellner et al. #2 US 7,085,555).~~

As per **claims 2 and 41**, Alperovich teaches claim 1, **but is silent on** wherein said predetermined parameters for the transfer and location information include preventing disclosing of the location information of the wireless calling party.

The examiner puts forth prior art which teach preventing the location of the calling party from being disclosed:

- a. ~~Johansson teaches location security (abstract)~~
- b. Walsh teaches a location privacy manager (Abstract)
- c. ~~Zellner #1 or #2 teach two different manners in which location blocking services prohibits the user's location from being transmitted to others (Abstract) — See patents 7,085,555 or 6,675,017.~~

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that location information is not transmitted, to provide privacy to the calling party.

As per **claim 3**, Alperovich teaches claim 2, **but is silent on** further comprising forwarding the telephone call to the called party without disclosing the location information of the wireless calling party.

~~Johansson and Walsh and (Zeller #1 or #2)~~ teach not disclosing the location of the wireless calling party (Abstracts).

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the call is sent without the location, to provide privacy to the calling party.

As per **claim 4**, Alperovich teaches claim 3/4, **but is silent on** wherein the location information is replaced with a location blocked message OR wherein the location blocked message is displayed to the called party.

~~Since Johansson and Walsh and (Zeller #1 or #2)~~ all teach blocking the location, one skilled can provide that functionality in various ways, which would be considered a design choice (eg. send a BLOCKED LOCATION message, Blank out or "X out" the actual location, etc.).

The examiner takes official notice that one skilled can implement this blocking/privacy function in many different ways.

It would have been obvious to one skilled in the art at the time of the invention to modify the combon, such that the location is replaced with a blocked message and displayed, to provide means for the called party to know the calling party wants privacy.

As per **claim 8**, Alperovich teaches claim 1, **but is silent on** wherein the predetermined parameters includes instructions regarding replacing the location information with an address information.

The examiner takes official notice that it is known in the art that a triangulated (or GPS) location can be converted into an address.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that an address is replaced, to provide means for the LAT/LONG coordinates to be replaced with a user friendly address which would help in times of emergencies, etc. (eg. if someone is trying to locate the calling party, eg. e911).

As per **claim 11**, Alperovich teaches claim 8, **but is silent on** further comprises forwarding the telephone call to the called party with the address information.

The examiner takes Official Notice that the address would replace LAT/LONG coordinates for more user friendly location determination (eg. during an emergency).

It would have been obvious to one skilled in the art at the time of the invention to modify combon, such that the call is sent with address information, to provide means for the called party to determine the calling party's (user friendly) location, via address.

As per **claims 13-16**, Alperovich teaches claim 1/13/14/15, **but is silent on** wherein the predetermined parameters includes blocking the transmission of calling number identification of the wireless calling party AND blocking the transmission of calling number identification of the wireless calling party to the called party AND blocking the calling party's name AND blocking the transmission of calling name identification of the wireless calling party to the called party.

Walsh teaches blocking both calling party's identity and location.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that location/identification is blocked, to provide privacy to the calling party.

As per **claims 17, 32 and 40**, Alperovich teaches a method of transferring selective location information of a wireless calling party to a called party, comprising: receiving a string of numbers from the wireless calling party, whereby the string of numbers is inclusive of the called party's telephone number; (see claim 1)

but is silent on

retrieving a code among the string of numbers received;

wherein the code includes instructions regarding blocking the selective transfer of the location information; and transmitting the selective location information of the wireless calling party to the called party.

The examiner puts forth ~~several different pieces of~~ prior art which teach preventing the location of the calling party from being disclosed:

- ~~a. Johansson teaches location security (abstract)~~
- b. Walsh teaches a location privacy manager (Abstract)
- ~~c. Zellner #1 or #2 teach two different manners in which location blocking services prohibits the user's location from being transmitted to others (Abstract) — See patents 7,085,555 or 6,675,017.~~

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that a code is sent that activates location blocking, to provide privacy to the calling party.

As per **claim 18**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include preventing disclosing the location information.

~~Johansson and Walsh and (Zeller #1 or #2)~~ teach interaction between the mobile user and network whereby a signal/code is required to be transferred (or setup in a profile) to prevent location disclosure.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the location is not sent, to provide privacy to the calling unit.

As per **claims 19 and 38**, Alperovich teaches claim 18, **but is silent on** further comprising forwarding the telephone call to the called party without disclosing the location information of the wireless calling party.

~~Johansson and Walsh and (Zeller #1 or #2)~~ teach prohibiting the location data from being sent to the remote party.

With further regard to claim 38, none of the references teach the network being required to store the user's location data. Alperovich may store the location since it determines it and sends it to the called party.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the call is sent without location information, to provide privacy to the calling party.

As per **claim 22**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include replacing the location information with an address information.

The examiner takes official notice that it is known in the art that a triangulated (or GPS) location can be converted into an address.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that an address is sent, to provide user friendly address information to the called party (eg. for e911).

As per **claim 25**, Alperovich teaches claim 22, **but is silent on** further comprising forwarding the telephone call to he called party with the address information.

The examiner takes Official Notice that the address would replace LAT/LONG coordinates for more user friendly location determination (eg. during an emergency).

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the call is sent with address info, to provide user friendly location information to the called party.

As per **claims 26 and 33**, Alperovich teaches claim 17/32, wherein said location information is received with the string of numbers from the wireless calling party (Alperovich teaches sending the calling party's location which may also include Caller-ID, eg. the caller's phone number).

As per **claim 27**, Alperovich teaches claim 17, **but is silent on** wherein said string of numbers include the code followed by the called party's telephone number.

The examiner notes that it is a design choice as to how the "signal/code" is transmitted from the mobile to prohibit location determination. Hence one skilled understands that it would use a code transmitted along with the user's phone number to setup which phone prefers to block locationing.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the code is included with the dialed number, to provide means for transmitting the location block signal to the network.

As per **claims 28-31, 34, 36**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include blocking the transmission of calling number identification of the wireless calling party.

Walsh teaches blocking both calling party's identity and location.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the instructions block the caller-ID, to provide privacy to the calling party.

As per **claim 39**, Alperovich teaches claim 32, further comprising storing the location information of the wireless calling party in a secured server (Alperovich determines the calling party's location and hence must store it in buffers/registers for a time. Since these buffers/registers are contained in the network, the are not readily accessible by users and are broadly interpreted as "secure").

Claims 6-7, 9-10, 20-21, 23-24, 42-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich/Chang and further in view of ~~Johansson et al.~~ US 6,442,391 and Walsh US 6,662,014 and ~~(Zellner et al. #1 US 6,675,017 or Zellner et al. #2 US 7,085,555)~~ and Pirila US 6,674,860.

As per **claims 6-7**, Alperovich teaches claim 1, **but is silent on** wherein the service information instructions include disclosing less specific data of the location information.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that less specific location data is displayed, to provide privacy to the calling party.

As per **claims 9-10**, Alperovich teaches claim 8, **but is silent on** wherein the address information is different from the location information of the wireless calling party AND established by the calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combon, such that the address is different and defined by the user, to provide privacy to the calling party.

As per **claims 20-21**, Alperovich teaches claim 17, **but is silent on** wherein the code instructions include disclosing a less specific data of the location information AND further comprising forwarding the telephone call to the called party with the less specific data of the location information.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that less specific information is sent, to provide privacy to the calling unit.

As per **claims 23-24**, Alperovich teaches claim 22, **but is silent on** wherein the address information is different location information of the wireless calling party AND wherein the address information is established by the wireless calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the address is different and defined by the user, to provide means for calling party privacy.

As per **claim 42-43**, Alperovich teaches 42 **but is silent on** wherein the service information includes instructions to alter the location information of the wireless calling party AND wherein the service information includes instructions to send less specific data of the location information of the wireless calling party.

Pirila teaches the mobile user being able to falsify his present location (C3, L28-31) which broadly reads on the claims.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that less specific location data is sent, to provide privacy to the calling party.

Claims 35 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich/Chang/Walsh and further in view of Zellner et al. #1 US 6,675,017 or Zellner et al. #2 US 7,085,555.

As per **claims 35 and 37**, Alperovich teaches 34/32, **but is silent on** further comprising of blocking the transmission of the calling number identification of the wireless calling party to the network.

Both Zellners teaches blocking the caller's identity to the called party and/or network Caller-ID blocking (C8, L60-65).

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that caller-ID is blocked to the network, to provide means for complete caller anonymity.

Allowable Subject Matter

Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER


5-30-07